

REMARKS

Applicants thank the Examiner for the thorough review of the application.

In the instant Paper, Claims 1, 3, 5, and 7 have been amended. No new matter has been added by way of the amendments.

The section heading and paragraph number used below correspond to that used in the pending Office Action.

Background

The present invention relates generally to novel compounds that are useful as ligands for modulating gene expression in living organisms, including plants and animals. More particularly, the present invention relates to compounds that are cyanoenamines that are useful as non-steroidal ligands for modulating exogenous gene expression in eukaryotic organisms, and particularly chlorophyll-containing plants.

Applicants thank the Examiner for his acknowledgment of the election without traverse (Paper No. 10) of Group I (claims 1-14). Applicants also acknowledge the further withdrawal of claims 8-10. Claims 1-4 and 11-14 are currently pending in the present application.

Claim Rejections – 35 U.S.C. § 112

All of the currently pending claims stand rejected under 35 U.S.C §112, second paragraph, the Examiner taking the position that the claims are “indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.” Several reasons for the rejection are stated at pages 4-5 of the Office Action (Paper No. 11). Applicants have amended the claims as thoughtfully suggested by the Examiner, and respectfully submit that the amendments address the grounds for rejection, and that the rejection should now be withdrawn.

Claim Rejections – 35 U.S.C. § 102

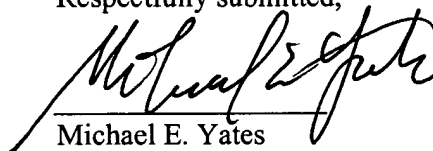
The Examiner has rejected claims 1, 5, 6, and 11 under 35 U.S.C. § 102, as allegedly being “anticipated by Ajello *et al.* CAPLUS Abstract 71:80881.” The Examiner states that the instant claims “read on the reference disclosed compound...having RN 23689-37-4.” Applicants have amended Claim 1, removing reference to R1 as being an unsubstituted phenyl. Applicants respectfully submit that this amendment overcomes the instant rejection, and that the rejection should be withdrawn.

Conclusion

Applicants respectfully submit that the amendments made herein address all of the Examiner’s outstanding grounds for rejection, and respectfully request that the pending claims be allowed. If this process can be furthered by a discussion with Applicants’ attorney (undersigned), he can be reached at 919-541-8587.

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Respectfully submitted,



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